

REMARKS

This communication is filed with a RCE and is in response to the Final Office Action mailed September 5, 2008. This communication further follows an interview with Examiner Colucci on Feb. 2, 2009. The undersigned respectfully thanks Examiner Colucci for his time and consideration in the interview. Although no agreement was reached, it was agreed the interview was helpful in discussing the claim language, and in particular, the language of claim 28 where it is recited "...using an objective measure comprising one or more higher order components being combinations of at least two factors from a set of factors including:...."

The Office Action reports that claims 23,25,26,28,29,31 and 32 were rejected under 35 U.S.C. §103(a) as being unpatentable over Huang et al. "Recent improvements on Microsoft's trainable text-to-speech system-Whistler" in view of Seide (U.S Patent 5,857,169). Of the rejected claims, claims 23 and 28 are independent claims. With respect first to claim 23, this claim has been amended to delete two of the recited factors reportedly disclosed in Huang, specifically, "an indication of a category for a phoneme preceding a speech unit" and "an indication of a category for a phoneme following a speech unit." No other factors recited in claim 23 were cited as being disclosed in the art. Therefore, since the set of factors now recited in claim 23, includes only factors not found in the art, as discussed in the interview, Applicant respectfully believes this claim is now in condition for allowance. Withdrawal of the rejection is respectfully requested.

With respect to independent claim 28, it is respectfully believed that a recited feature found in this claim has not been considered. In particular, as discussed in the interview, in the rejection of claims 23 and 28 found on pages 6 and 7 of the Office Action, it appears that only claim 23 was used. As mentioned in the

interview, Applicant respectfully points out that claim 28 recites, in part, “wherein identifying the sequence of speech segments comprises using an objective measure comprising one or more higher order components being combinations of at least two factors from a set of factors including: an indication...” (Emphasis added) Thus, in contrast to independent claim 23 which specifically recites “first order components from a set of factors,” claim 28 recites higher order components being combinations to or more factors. Support for this language is found in the specification at page 29, line 12-page 30, line 3. See also page 33, line 6-page 46, line 18, and in particular, tables 4 and 5 that indeed show higher order components being a combination of two of the recited factors. This limitation is simply not taught, suggested or rendered obvious by the cited art. However, in an effort to further clarify what is meant by “component” wherein in one of the components is based on a combination, claim 28 has further been amended to include a weighting factor for each component as described, for example, on page 46 with respect to Tables 4 and 5.

In view of the foregoing reasons and those expressed in Applicant’s prior response, it is believed that the application is in condition for allowance. Favorable action upon all claims is solicited.

With this amendment, Applicant has added claims 33 – 36. These claims are similar to claim 28 and dependent claims therefrom. However, these claims recite that there are two types of components, each having associated weighting values, “wherein a first component is based on one factor in the set of factors ..., and a second component is a combination of at least two factors from the set of factors....” The cited language is supported by at least the tables 4 and 5 on page 46. It is believed this language further clarifies an objective measure that is simply not

taught or suggested in the prior art.

The foregoing remarks are intended to assist the Office in examining the application and in the course of explanation may employ shortened or more specific or variant descriptions of some of the claim language. Such descriptions are not intended to limit the scope of the claims; the actual claim language should be considered in each case. Furthermore, the remarks are not to be considered exhaustive of the facets of the invention which are rendered patentable, being only examples of certain advantageous features and differences, which applicant's attorney chooses to mention at this time. For the foregoing reasons, applicant reserves the right to submit additional evidence showing the distinction between applicant's invention to be unobvious in view of the prior art.

Furthermore, in commenting on the references and in order to facilitate a better understanding of the differences that are expressed in the claims, certain details of distinction between the same and the present invention have been mentioned, even though such differences do not appear in all of the claims. It is not intended by mentioning any such unclaimed distinctions to create any implied limitations in the claims.

An extension of time is hereby requested for responding to the Final Office Action. An online charge authorization for the extension of time fee is included herewith.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: 

Steven M. Koehler, Reg. No. 36,188
900 Second Avenue South, Suite 1400
Minneapolis, Minnesota 55402
Phone: (612) 334-3222 Fax: (612) 334-3312

SMK:dkm